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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Austria, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Monaco, Norway, Portugal, Romania, Slovakia and Sweden: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 49/178 of 23 December 1994, as well as other relevant resolutions,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, 1/

Welcoming the call in the Beijing Declaration and Platform for Action both for intensified efforts to integrate the equal status and the human rights of all women and girls into the mainstream of United Nations system-wide activities and to address these issues regularly and systematically throughout relevant

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1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

bodies and mechanisms, and for the related actions to be taken by, inter alia, the human rights treaty monitoring bodies, 2/

Reaffirming that the full and effective implementation of United Nations human rights instruments is indispensable to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, 3/ to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early warning measures and urgent procedures with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

Recalling the reports of the five meetings of persons chairing the human rights treaty bodies, held from 1988 to 1994,

Expressing concern that the massive underresourcing of the Centre for Human Rights of the Secretariat seriously impedes the human rights treaty bodies in their ability to carry out their mandates effectively,

Also expressing concern about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Reaffirming its responsibility to ensure the effective functioning of human rights treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and other resources to overcome existing difficulties with their effective functioning;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights;

2/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20), chap. I, resolution 1, annex II, paras. 221 and 231.

3/ Resolution 217 A (III).

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights;

1. Welcomes the report of the persons chairing the human rights treaty bodies on their sixth meeting, held at Geneva from 18 to 22 September 1995, 4/ and endorses their conclusions and recommendations;

2. Emphasizes the need to ensure financing and adequate staff and other resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate financial resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing staff and other resources and to take all appropriate measures to provide additional resources to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

(c) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fifty-second session and to the General Assembly at its fifty-first session;

3. Welcomes the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child and encourages States to contribute to its realization;

4. Urges States parties to notify the Secretary-General, as depository of the International Convention on the Elimination of All Forms of Racial Discrimination 5/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 6/ of their acceptance of the amendments approved by the States parties and the General Assembly in its resolution 48/120;

5. Calls upon all States parties to fulfil without delay and in full their financial obligations, including their arrears, under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment until the amendments enter into force;

6. Requests the Secretary-General to continue to take the necessary measures to ensure that the two committees established under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against

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4/ A/50/505, annex.

5/ Resolution 2106 A (XX), annex.

6/ Resolution 39/46, annex.

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment meet as scheduled until the amendments enter into force;

7. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing and otherwise improving reporting procedures, and urges the treaty bodies and the meetings of persons chairing the human rights treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending, where appropriate, the designation of specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organization to identify overlap between their respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

8. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing and otherwise improving reporting procedures;

9. Looks forward to the finalization of the interim report of the independent expert on possible long-term approaches to enhancing the effective operation of the human rights treaty system 7/ in time for the final report to be considered by the Commission on Human Rights at its fifty-second session;

10. Requests the United Nations High Commissioner for Human Rights to ensure from within existing resources, that the revision of the United Nations Manual on Human Rights Reporting is completed as soon as possible, that the revised Manual is available in all official languages at the earliest opportunity, and that due regard is paid to the recommendations concerning the Manual made by the fifth meeting of persons chairing the human rights treaty bodies;

11. Expresses concern about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies, and again urges States parties to make every effort to meet their reporting obligations;

12. Invites States parties which have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

7/ A/CONF.157/PC/62/Add.11/Rev.1.

13. Welcomes the efforts of the human rights treaty bodies to monitor the implementation of human rights treaty undertakings by States parties that consistently do not comply with their reporting obligations;

14. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

15. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

16. Welcomes the emphasis placed by the persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, to this end:

(a) Welcomes the plans of the United Nations High Commissioner for Human Rights to report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Encourages the treaty bodies to continue to identify possibilities for technical assistance in the regular course of their work of reviewing the periodic reports of States parties;

17. Encourages the human rights treaty bodies to urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies, and requests the United Nations High Commissioner for Human Rights to make every effort to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

18. Invites the United Nations High Commissioner for Human Rights to explore means to publish at the end of each year, from within existing resources, as a separate volume, a compilation of all concluding observations adopted during that year by treaty bodies;

19. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them, bearing in mind the responsibilities of the United Nations High Commissioner for Human Rights;

20. Invites the United Nations High Commissioner for Human Rights to consult the human rights treaty bodies in his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights;

21. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments and encourages

the Secretary-General to facilitate the exchange of information between the human rights treaty bodies and such organizations;

22. Endorses the recommendation of the persons chairing the human rights treaty bodies that each treaty body, in its examination of States reports, assiduously investigate compliance by States parties with the extensive obligations regarding human rights education and the provision of public information on human rights;

23. Welcomes the emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate, and approves their endorsement of recommendations proposed by the expert group on the integration of gender perspectives into United Nations human rights activities and programmes that met at Geneva from 3 to 7 July 1995; 8/

24. Encourages the human rights treaty bodies to continue to develop mechanisms for the prevention of violations of human rights;

25. Welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

26. Requests the Secretary-General to report to the General Assembly at its fifty-first session on measures taken to implement the present resolution and on obstacles to its implementation;

27. Decides to continue giving priority consideration, at its fifty-first session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

8/ A/50/505, para. 34.